

REMARKS

This application has been reviewed in light of the FINAL REJECTION mailed December 4, 2006. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 30 are pending in the application.

I. Rejection of Claims 1 – 30 Under 35 U.S.C. § 103(a)

Claims 1 – 30 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Japanese Application No. 11-077540 issued to Shimizu et al. in view of Japanese Application No. 07-267765 issued to Kato and further in view of Japanese Application No. 09-178119 issued to Takahashi.

Initially, these references had been submitted to the U.S. Patent and Trademark Office in an Information Disclosure Statement (IDS) dated November 15, 2004 as a result of these references having been cited in a Japanese Office Action dated September 7, 2004.

It should be noted, however, that during prosecution of the Japanese application the above-identified Japanese references had only been listed as related references and not cited as the basis for rejection of patentability of Applicant's Japanese application. (See: English translation of Japanese Examiner's comments submitted with the above-identified IDS).

Regarding Shimizu, an apparatus and method are disclosed for detecting watermarks embedded in motion picture data based on a statistical observation value for each motion picture frame. Specifically, the Shimizu reference discloses accumulating observation values from each frame and comparing those accumulated values against variable threshold values. The watermarked information is detected based on the comparison results.

However, Applicant's present invention recited in the claims teaches an electronic watermark detection device having an electronic watermark detection means for detecting an

electronic watermark inserted into an image signal and indicative of at least copyright information. The claimed detection device has a detection result adjustment means for adjusting a detection interval of the electronic watermark based on a detection result of the electronic watermark detection means.

Thus, as the Examiner rightfully points out, Shimizu fails to disclose or suggest this detection result adjustment means for adjusting a detection interval of the electronic watermark based on a detection result of the electronic watermark detection means. In addition, Shimizu does not disclose or suggest that the watermark is indicative of copyright information.

The Examiner cites Takahashi as disclosing a watermark containing copyright information. However, as with Shimizu, Takahashi fails to disclose or suggest a detection result adjustment means for adjusting a detection interval of the electronic watermark based on a detection result of the electronic watermark detection means.

Turning now to the Kato reference, the Examiner alleges that Kato teaches Applicant's claimed detection result adjustment means for adjusting a detection interval of the electronic watermark based on a detection result of the electronic watermark detection means.

However, Kato is directed to a digital audio tape (DAT) recording device. A DAT recording device utilizes well-known technologies that are not compatible with either the Shimizu or Takahashi references.

The conventional DAT format disclosed in Kato partitions recording tracks into PCM audio recording areas and sub-code recording areas. Specifically, the format for a DAT recording is arranged as 8 blocks of sub-code data, followed by 128 blocks of PCM audio data, and terminated with another 8 blocks of sub-code data. The information recorded in the sub-code by

Kato is not a watermark, as this information is not embedded in the audio signal but rather is contained in discrete portions of the track.

Consequently, Kato is non-analogous art, with respect to both Shimizu and Takahashi. Specifically, both Shimizu and Takahashi are directed towards embedding and detecting watermarks in compressed digital image signals. However, as indicated above, Kato does not deal with watermarks whatsoever, rather the problem being solved by the Kato apparatus is shortening the processing time of a controller when processing a digital audio signal transmitted to a digital audio I/O terminal. No disclosure or suggestion is provided in Kato regarding watermarking data. Thus, the combination of Shimizu, Takahashi and Kato is believed to be improper.

Moreover, even if the combination were proper as provided in the present Office Action, the combination would fail to disclose or suggest Applicant's claimed invention. Since Kato fails to disclose embedding or detecting watermarks in compressed digital data, Kato is unable to disclose or suggest a detection result adjustment means for adjusting a detection interval of the electronic watermark based on a detection result of the electronic watermark detection means, as recited in the claims. As shown above, neither Shimizu nor Takahashi disclose or suggest this feature either.

Therefore, one skilled in the art would not combine the teachings of Shimizu, Takahashi and Kato in the manner described in the present Office Action. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 1 – 30 under 35 U.S.C. § 103(a) over Shimizu et al. in view of Kato and further in view of Takahashi.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 30 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

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